



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

26

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/809,810	03/26/2004	Hiroshi Ikegami	040894-7020	7939
9629	7590	05/15/2006		
MORGAN LEWIS & BOCKIUS LLP 1111 PENNSYLVANIA AVENUE NW WASHINGTON, DC 20004				EXAMINER
				BURCH, MELODY M
			ART UNIT	PAPER NUMBER
			3683	

DATE MAILED: 05/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/809,810	IKEGAMI ET AL.	
	Examiner	Art Unit	
	Melody M. Burch	3683	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 27 February 2006.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-19 is/are pending in the application.
4a) Of the above claim(s) 18 and 19 is/are withdrawn from consideration.

5) Claim(s) 8-12 is/are allowed.

6) Claim(s) 1,2,6,7,13 and 17 is/are rejected.

7) Claim(s) 3-5 and 14-16 is/are objected to.

8) Claim(s) 1-19 are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) Notice of Informal Patent Application (PTO-152)
6) Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 2, 6, 7, 13, and 17 are rejected under 35 U.S.C. 102(e1) as being anticipated by US Patent 2005/0145448 to Watanabe et al.

Re: claim 1. Watanabe et al. show in figures 9 and 10 a brake operating apparatus of a brake apparatus for restricting rotation of a rotating member 26 comprising: an operating lever 54' operably supported in a movable range including a first position shown in figure 9 permitting the rotating member to rotate regularly and rotate reversely and a second position shown in figure 10 restricting only one of regular rotation and reverse rotation or particularly rotation in the direction of "L" of the rotating member and urged from the first position to the second position in a normal state or particularly in a normal or energized state of element 72, and an operation restricting portion 71 contactable with the operating lever at the first position for restricting a movement of the operating lever reaching the second position as discussed in paragraph [0060].

Re: claim 2. Watanabe et al. show the apparatus further comprising: a supporting member 73 for operably supporting the operating lever, a contact member or tip of element 57 contactable with the operating lever, and an urging member or element driving the rotation of element 26 for urging the contact member to the operating lever wherein the operating lever comprises an operation restricting member or tooth portion shown to the right of the lead line for 54' for contacting with the contact member at the first position as shown in figure 9 to restrict movement of the operating lever reaching the second position (by way of the friction generated as a result of the point to point contact).

Re: claims 6 and 7. Watanabe et al. show in figures 9 and 10 a brake operating apparatus of a brake apparatus for restricting rotation of a rotating member comprising: an operating lever 54' for operating a brake force in accordance with an operating amount thereof to the rotating member when the operating lever is operated in a predetermined direction, a one way clutch apparatus including element 57 and 72 for permitting only to operate the operating lever operated in the predetermined direction and holding the operating lever at a position in accordance with the operating amount, a release apparatus 71 for releasing an operation of the operating lever by the one way clutch apparatus from being restricted, and an operating portion 73, for operating the release apparatus by way of the lever 54' provided at an arm 10 extended to a position capable of being gripped along with the operating lever in operating the operating lever to operate in the predetermined direction.

Re: claims 13 and 17. Watanabe et al. show in figures 9 and 10 a brake operating apparatus comprising: an operating lever 54' for operating a brake apparatus provided at a vehicle and a supporting member 70 for pivotably supporting the operating lever, wherein the operating lever is provided to the vehicle via the supporting member, wherein the supporting member comprises: a ring-like connecting portion or the circumference at the end of element 70 opposite the end shown connected to element 54' outwardly fit to a first frame extended in a predetermined direction of the vehicle and a pivoting movement restricting portion or the circumference of element 70 contacting and shown within element 54', contactable with a second frame extended in a direction different from a direction of the first frame, for restricting pivoting movement of the supporting member around an axis of the first frame by way of frictional contact, as broadly recited. With respect to claim 17, the handle may be one of elements 57, as broadly recited.

Allowable Subject Matter

3. Claims 3-5, 14, 15, and 16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
4. Claims 8-12 are allowed.

Response to Arguments

5. Applicant's arguments, see pg. 2-3, filed 2/27/06, with respect to the rejection(s) of claim(s) 1-14, 16, and 17 under 35 USC 102 have been fully considered and are

persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Watanabe et al.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melody M. Burch whose telephone number is 571-272-7114. The examiner can normally be reached on Monday-Friday (6:30 AM-3:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James McClellan can be reached on 571-272-6786. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

mmbr
May 11, 2006

Melody M. Burch
Melody M. Burch
Primary Examiner
Art Unit 3683
5/11/06